

REMARKS

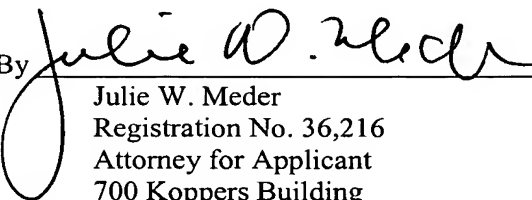
Claims 28-31 and 33-35 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness due to asserted lack of antecedent basis for the limitations of independent claim 26. Claims 26 is drawn to cultured pancreatic islet cells, while claims 28-31 and 33-35 are drawn to altered pancreatic cells. Claims 28 and 33-35 have been cancelled. The rejection thereof for indefiniteness is now moot. As to claims 29-31, these claims are now amended to depend from claim 26 and do not include post culturing steps that are asserted to constitute limitations outside the scope of claim 26. Accordingly claims 29-31 are believed to comply with 35 U.S.C. §112, second paragraph.

Claims 26-38 stand rejected under 35 U.S.C. §102(b) for anticipation by/or under 35 U.S.C. §103(a) for obviousness over the following five (5) references: U.S. Patent No. 4,439,521 to Archer et al.; U.S. Patent No. 5,116,753 to Beattie et al., Hallerstrom et al. (Diabetes, 1980); Meda et al. (Diabetes, 1980); or Takaki et al. (Proc. Exp. Biol. Med., 1975). Claims 26-38 are also rejected under 35 U.S.C. §102(e) for anticipation by/or under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 5,587,309 to Rubin et al. or over U.S. Patent No. 5,928,942 to Brothers. The Office Action asserts that each of these cited references teaches pancreatic islet cells that are prepared *in vitro*.

Claim 26 and dependent claims 27, 29-32, 36 and 37 have been amended to clarify that the present includes a composition comprising pancreatic cells cultured *in vitro* and the *in vitro* culture medium originally specified in claim 26. None of the cited references teach or suggest a composition of cells including the cell culture medium of claim 26 and thus do not anticipate or render obvious a composition comprising pancreatic islet cells cultured in that cell culture medium *in vitro*. Accordingly, claims 26, 27, 29-32, 36 and 37 define over the prior art of record and are in condition for allowance.

Respectfully submitted,

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